



CRM-M-24086-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-24086-2024
Decided on: 14.05.2024

Rajbir ...Petitioner

Versus

Ramavtar and another ...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Surender Saini, Advocate for the petitioner.

Mr. Vikrant Pamboo, Sr. DAG, Haryana.

ANOOP CHITKARA, J.

Criminal Appeal No.	CRA-210-2023 titled as Rajbir versus Ramavtar
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1. Aggrieved by the order of issuance of non-bailable warrants, vide order dated 14.11.2023, passed by the Additional Sessions Judge, Narnaul, due to the default in appearances before the Appellate court, the petitioner has come up before this court under section 482 of Code of Criminal Procedure, 1973 (CrPC).
2. Petitioner's counsel submits that the petitioner was appearing on each and every date before the Appellate Court which was fixed prior to 14.11.2023 and on that very date also he was present before the Court, but suddenly he received a call about deteriorated health of his father and he had to go to attend his father, therefore he moved an application for exemption through counsel which was declined and therefore the non-appearance was not intentional.
3. The nature of order this court proposes to pass is such that no response is required from the respondent.
4. The primary object of service is to secure the accused's presence in trial. The petitioner has approached this court on its own, establishing the bonafide at this stage.



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Without commenting on the case's merits, and in the facts and circumstances peculiar to this case, and also for the reasons mentioned above, the ends of justice would meet. Furthermore, without adjudicating the maintainability of this petition under section 482 CrPC and leaving that question open; given the explanation offered by the accused coupled with the facts and circumstances peculiar to this case, a balanced approach would work as an incentive, a catalyst, speeding up the process, and bringing the guilty to Justice and Justice to the guilty. Thus, exercising the inherent powers under section 482 CrPC, this court deems it appropriate to grant the following limited relief to the petitioner, subject to compliance with the conditions mentioned in this order.

5. **The petitioner is directed to surrender before the concerned court on or before 24.05.2024 and file a bail petition. Since the petitioner was earlier granted bail, as such on appearance, the concerned court shall release the petitioner on bail on the same day, subject to furnishing bail bonds to its satisfaction and imposing reasonable conditions as it may deem appropriate in the background of the accused's conduct.**

6. The petitioner shall not be arrested till 24.05.2024, 10 PM and it is clarified that this order shall stand recalled automatically under section 362, read with 482 CrPC, without any further reference to this court, after 10AM on 25.05.2024.

7. Any observation made hereinabove is neither an expression of opinion on the merits of the case nor shall the trial Court advert to these comments.

8. *There would be no need for a certified copy of this order, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. In case the attesting officer wants to verify the authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.*

Petition allowed to the extent and subject to the conditions mentioned above. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

14.05.2024
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Whether speaking/reasoned: Yes
Whether reportable: NO.